

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

NANCY HERNANDEZ-RIOS,

Plaintiff,

v.

Case No. CV-09-615 JEC/GBW

MANAGEMENT & TRAINING CORPORATION,
and CARLOS “CHARLIE” MCARLEN,

Defendants.

ORDER GRANTING IN PART AND DENYING IN PART MOTION FOR
PROTECTIVE ORDER

THIS MATTER is before the Court on Defendant’s Motion for Protective Order. *Doc.*

81. The matter is fully briefed, and the Court held a hearing on the Motion on November 15, 2010. *See Docs. 86, 90, 93*. Defendant asks the Court to “either (1) quash the Notice of Rule 30(b)(6) videotape deposition duces tecum served on MTC by the Plaintiff or (2) quash Plaintiff’s request for production of documents and limit the scope of questioning at that deposition.” *Doc. 81* at 1. The Court declines to quash the notice but will limit the production of documents and scope of questioning as described below for the reasons described at the hearing.

Topic 1¹ will be limited to policies, etc in place at Otero County Prison Facility (“OCPF”) from six months prior to the hiring of Christopher Diaz through March 2009.

Topic 2 will be limited to the organization structure and hierarchy at MTC relevant to Otero County Prison Facility (“OCPF”) from six months prior to the hiring of Christopher Diaz through March 2009.

Topic 3 will be limited in time to items which predate the Plaintiff’s departure from OCPF or which relate to items in Christopher Diaz’ or Luz Duarte’s personnel files otherwise ordered disclosed by the Court. *See Doc. 96* at 2.

Topic 4 will be limited to policies, etc applicable to Christopher Diaz and Luz Duarte from six months prior to the hiring of Christopher Diaz through March 2009.

Topic 5 will be limited to policies and procedures at OCPF.

Topic 6 will be limited to policies and procedures at OCPF.

Topic 7 will be limited to questions regarding software used to document complaints at OCPF and broad questions about the operating systems at OCPF

Topic 8 has been withdrawn by Plaintiff and therefore questions falling into this topic and not otherwise listed will be excluded.

Topic 9 will be limited to policies, etc in place at Otero County Prison Facility (“OCPF”) from six months prior to the hiring of Christopher Diaz through March 2009.

¹ The topic numbers relate to the numbering found in Plaintiff’s Notice attached as Exhibit A to Defendant’s Motion.

Topic 10 will be limited to items relating to OCPF and predating March 31, 2009.

Topic 11 will be limited to items relating to OCPF and predating March 31, 2009.

Topics 12-14 will be limited to items relating to OCPF and predating March 31, 2009.

Topics 15-18 will be limited in time to items which predate the Plaintiff's departure from OCPF or which relate to items in Christopher Diaz' or Luz Duarte's personnel files otherwise ordered disclosed by the Court. *See Doc. 96* at 2.

Topics 19-20 will be excluded for the reasons described at the hearing.

Topics 21-26 will be limited to policies, etc in place at Otero County Prison Facility ("OCPF") from six months prior to the hiring of Christopher Diaz through March 2009.

Topic 27 will be limited to the MTC policies, etc regarding reporting sexual assaults up the corporate chain including policy changes from September 2006 through October 2010.

Topic 28 will be limited to complaints involving sexual assaults by prison personnel against inmates at OCPF for the five years preceding Plaintiff's release from OCPF.

Topic 29 will be limited to policies applicable to OCPF.

Topic 30 will be excluded for vagueness.

Document Categories 1-3 will not be further limited.

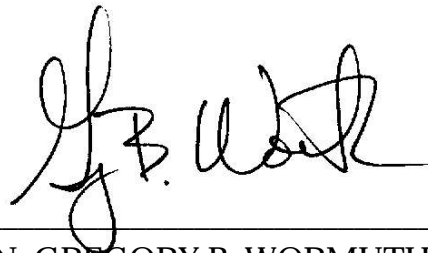
Document Category 4 will be limited to claims involving sexual assaults by prison personnel against inmates at OCPF for the five years preceding Plaintiff's release from OCPF.

Document Category 5 has been withdrawn and will be excluded.

Document Category 6 will not be limited with the understanding that the deponent need not review documents which this Court has ruled to not be discoverable. *See Docs.* 96, 97.

WHEREFORE, the Motion for Protective Order is granted in part and denied in part as described herein.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'G.B. Wormuth', is written over a horizontal line.

HON. GREGORY B. WORMUTH
UNITED STATES MAGISTRATE JUDGE